

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

v.

RICHIE HILARIO,

Defendant.

18-cr-637 (JSR)

ORDER

JED S. RAKOFF, U.S.D.J.

On January 22, 2019, defendant Richie Hilario pled guilty to one count of attempted Hobbs Act robbery. On May 22, 2019, the Court sentenced Hilario to 36 months' imprisonment. In a letter to be docketed with this order, Hilario now moves for compassionate release, which the Court construes to be a motion pursuant to 18 U.S.C. § 3582.

The compassionate release statute, as modified by the FIRST STEP Act of 2018, Pub. L. No. 115-391, 132 Stat. 5194 (2018), provides that after certain administrative exhaustion requirements are met,¹ and after considering the factors enumerated in 18 U.S.C. § 3553(a), "the court . . . may reduce the term of imprisonment . . . if it finds that — extraordinary and compelling reasons warrant such a reduction . . . and that such a reduction

¹ Because the Court finds no extraordinary and compelling reasons warranting a sentence reduction, the Court does not address administrative exhaustion.

is consistent with applicable policy statements issued by the Sentencing Commission."

Hilario has not demonstrated the existence of such extraordinary and compelling reasons here. Hilario argues that the rapid spread of the COVID-19 pandemic, including in prisons across the United States, constitutes "the extraordinary and compelling circumstance that makes [him] eligible for compassionate release." But Hilario, who is 22 years old and was in good health at the time of his sentencing in 2019, points to no evidence beyond the fact of his incarceration that he is at a heightened risk for the coronavirus disease.

In sum, the defendant has failed to demonstrate the existence of "extraordinary and compelling reasons" warranting his release. Accordingly, the motion for compassionate release is denied.

SO ORDERED.

Dated: New York, NY

July 9, 2020



JED S. RAKOFF, U.S.D.J.